

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CITIGROUP
MORTGAGE LOAN TRUST INC., ASSET-
BACKED PASS-THROUGH
CERTIFICATES, SERIES 2006-HE2,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE
INSURANCE COMPANY and UNITED
CAPITAL TITLE INSURANCE COMPANY,

Defendants.

Case No.: 2:19-cv-00498-ART-EJY

ORDER APPROVING

**STIPULATION TO
CONTINUE STAY OF CASE**

Plaintiff, U.S. Bank National Association, As Trustee for Citigroup Mortgage Loan Trust Inc., Asset-Backed Pass-Through Certificates, Series 2006-HE2 (“Plaintiff”) and Defendant Fidelity National Title Insurance Company (“Fidelity”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Fidelity disputes, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently pending in the United States District Court for the District of Nevada and Nevada state courts more than one-hundred actions between national banks, on the one hand, and title insurers, on the other hand. In

1 virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA 2006 loan
 2 policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA
 3 115.2/ALTA 5 Endorsements.

4 The Parties stipulated to a limited six-month stay of the case, which was granted on July
 5 19, 2022 [ECF No. 28]. The limited stay expires on January 19, 2023 [ECF No. 28]. The Parties
 6 have conferred and believe another limited six-month stay is warranted. There are now two fully
 7 briefed appeals to the Nevada Supreme Court involving similar coverage disputes in *PennyMac*
 8 *Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and
 9 *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No.
 10 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral
 11 argument has not been set. The Parties anticipate that the Nevada Supreme Court’s decisions in
 12 the foregoing appeals may touch upon issues regarding the interpretation of policy and claims
 13 handling, that could potentially affect the disposition of the instant action.

14 Accordingly, the Parties believe an additional stay of six months in the instant action will
 15 best serve the interests of judicial economy. The Parties request that the action be stayed for an
 16 additional six months, through and including, July 19, 2023. The Parties are to submit a Joint
 17 Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay
 18 of this case is entered based on the specific circumstances surrounding this particular case, and
 19 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

20 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 21 stipulate and agree as follows:

- 22 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 23 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**
 24 **MONTHS**, through and including, July 19, 2023.
- 25 2. All deadlines currently set in this case shall remain **VACATED**.
- 26 3. The Parties are to submit a Joint Status Report on or before July 19, 2023.

1 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
2 parties, and the Parties may enforce subpoenas that the Parties propounded to third
3 parties during the stay.

4 5. By entering into this Stipulation, none of the Parties is waiving its right to
5 subsequently move the Court for an order lifting the stay in this action.

6 **IT IS SO STIPULATED.**

7 DATED this 11th day of January, 2023.

DATED this 11th day of January, 2023.

8 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

9 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

10 Lindsay D. Dragon, Esq.

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Attorney for Defendant Fidelity National Title

15 *Association, As Trustee for Citigroup*

Insurance Company

16 *Mortgage Loan Trust Inc., Asset-Backed*

17 *Pass-Through Certificates, Series 2006-HE2*

18 **IT IS SO ORDERED.**

19 Dated this 17th day of January, 2023.

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21 ANNE R. TRAUM

22 UNITED STATES DISTRICT COURT JUDGE
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